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DENVER / ENGLEWOOD, CO**FACSIMILE TRANSMITTAL SHEET****RECEIVED
CENTRAL FAX CENTER****FEB 06 2006**Number of pages including this sheet: 14Deliver to: Exmnr. Kim, Ellen E. - UNITED STATES PATENT & TRADEMARK OFFICEFax No.: 571-273-8300From: Heather M. Molleur, Reg. No. 50, 432Date: February 6, 2006Operator: Vanessa SanchezApplication No.: 10/721,448Art Group: 2874Filing Date: November 24, 2003

Conf. No: _____

Entitled: METHOD OF SMOOTHING WAVEGUIDE STRUCTURESAttorney Docket No.: 042390.P16679

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment/Response (2 pgs)	<input type="checkbox"/> Declaration & P of A (pgs)	<input type="checkbox"/> Reply Brief (pgs)
<input type="checkbox"/> Appeal Brief (pgs) (in triplicate)	<input type="checkbox"/> Drawings: # of sheets w/ figs.	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Utility Application (pgs)	<input type="checkbox"/> Month Petition re Ext. of Time	<input type="checkbox"/> Resp. to Notice of Missing Parts (pgs)
<input type="checkbox"/> 1.53(b) Cont. Application (pgs)	<input type="checkbox"/> IDS & PTO 1449 (pgs)	<input checked="" type="checkbox"/> Transmittal Letter (1 pgs) (in duplicate)
<input type="checkbox"/> 1.53(b) Divisional Application (pgs)	<input type="checkbox"/> Issue Fee Transmittal (pgs)	<input checked="" type="checkbox"/> Fee Transmittal (3 pgs) (in duplicate)
<input type="checkbox"/> 1.53(b) CIP Application (pgs)	<input type="checkbox"/> Notice of Appeal (pgs)	<input type="checkbox"/> Deposit Account Authorization
<input type="checkbox"/> 1.53(d) RCA Transmittal (pgs)	<input type="checkbox"/> Petition re (pgs)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> PCT Application (pgs)	<input type="checkbox"/> Power of Attorney (pgs)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Provisional Application (pgs)	<input type="checkbox"/> Declaration by Inventor(s) (pgs)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Assignment & Cover Sheet (pgs)	<input type="checkbox"/> Supplemental Declaration (pgs)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Certificate of Transmission by Fax	<input type="checkbox"/> Preliminary Amendment (pgs)	<input type="checkbox"/> Other: _____

CERTIFICATE OF TRANSMISSIONI, Vanessa Sanchez, hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on: 2/6/06 by: Vanessa Sanchez
Vanessa Sanchez

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PAGE 1/44 * RCVD AT 2/6/2006 7:07:02 PM [Eastern Standard Time] * SVR:USPTO-EFXXRF-6/31 * DNIS:2738300 * CSID:+14087209642 * DURATION (mm:ss):09:30

16 of 44

<u>AMENDMENT TRANSMITTAL</u>		<u>PATENT</u>
Application No.: <u>10/721,448</u> Filing Date: <u>November 24, 2003</u> First Named Inventor: <u>Justin K. Brask</u> Examiner's Name: <u>Kim, Ellen E.</u> Art Unit: <u>2874</u> Attorney Docket No.: <u>042390.P16679</u>	<p>An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.</p> <p><input checked="" type="checkbox"/> Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.</p> <p><input checked="" type="checkbox"/> Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.</p> <p><input type="checkbox"/> Applicant(s) claim small entity status (37 CFR 1.27).</p>	
<p><u>ATTACHMENTS</u></p> <p><input type="checkbox"/> Preliminary Amendment</p> <p><input checked="" type="checkbox"/> Amendment/Response with respect to Office Action (Notice of Non-Compliant Amendment)</p> <p><input type="checkbox"/> Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)</p> <p><input type="checkbox"/> Notice of Appeal</p> <p><input type="checkbox"/> RCE (Request for Continued Examination)</p> <p><input type="checkbox"/> Supplemental Declaration</p> <p><input type="checkbox"/> Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)</p> <p><input type="checkbox"/> Information Disclosure Statement (IDS)</p> <p><input type="checkbox"/> Copies of IDS citations</p> <p><input type="checkbox"/> Petition for Extension of Time</p> <p><input checked="" type="checkbox"/> Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)</p> <p><input type="checkbox"/> Cross-Reference to Related Application(s)</p> <p><input type="checkbox"/> Certified Copy of Priority Document</p> <p><input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> Check(s)</p> <p><input type="checkbox"/> Postcard (Return Receipt)</p>		
<p><u>SUBMITTED BY:</u></p> <p>BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP</p> <p>TYPED OR PRINTED NAME: <u>Heather M. Molleur</u></p> <p>SIGNATURE: <u><i>Heather Molleur</i></u></p> <p>REG. NO.: <u>50,432</u></p> <p>DATE: <u>2/6/06</u></p> <p>ADDRESS: <u>12400 Wilshire Boulevard, Seventh Floor</u></p> <p style="padding-left: 40px;"><u>Los Angeles, California 90025</u></p> <p>TELEPHONE NO.: <u>(408) 720-8300</u></p>		
<p style="text-align: center;"><u>CERTIFICATE OF TRANSMITTAL VIA FACSIMILE</u></p> <p>I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on:</p> <p style="text-align: center;">on <u>2/6/06</u> Date of Transmittal</p> <p style="text-align: center;"><u><i>Vanessa Sanchez</i></u> Name of Person Transmitting Correspondence</p> <p style="text-align: center;"><u><i>Vanessa Sanchez</i></u> Signature</p> <p style="text-align: right;"><u>2/6/06</u> Date</p> <p>Express Mail Label No. (if applicable): _____</p>		

(10/14/03)

Send to: COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450

FEE TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known:

Application No. 10/721,448
 Filing Date November 24, 2003
 First Named Inventor Justin K. Brask
 Examiner Name Kim, Ellen E.
 Art Unit 2874
 Attorney Docket No. 042390.P16679

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)
☐ Deposit AccountDeposit Account Number : 02-2566

Deposit Account Name: _____

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.
 Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Code	Fee (\$)	Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee		
1111	500	2111	250	Utility search fee	1,000/500	
1311	200	2311	100	Utility examination fee		
1012	200	2012	100	Design application filing fee		
1112	100	2112	50	Design search fee	430/215	
1312	130	2312	65	Design examination fee		
1013	200	2013	100	Plant filing fee		
1113	300	2113	150	Plant search fee	660/330	
1313	160	2313	80	Plant examination fee		
1004	300	2004	150	Reissue filing fee		
1114	500	2114	250	Reissue search fee	1,400/700	
1314	600	2314	300	Reissue examination fee		
1005	200	2005	100	Provisional application filing fee		
SUBTOTAL (1)						\$ 0.00

2. EXCESS CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims _____ - 20 or HP = _____		X \$50.00 = _____	
HP = highest number of total claims paid for, if greater than 20			
Independent Claims _____ - 3 or HP = _____		X \$200.00 = _____	
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims _____		_____ = _____	

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)
1202	50	2202	25
1201	200	2201	100
1203	360	2203	180
1204	200	2204	100
1205	50	2205	25

Fee Description

Each claim over 20

Each independent claim over 3

Multiple dependent claims, if not paid

Reissue: each claim over 20 and more than in the original patent

Reissue: each independent claim more than in the original patent

SUBTOTAL (2) \$ _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____ - 100 = _____		/ 50 = _____ (round up to whole number)	X \$250.00	_____

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)
1081	250	2081	125
1082	250	2082	125
1083	250	2083	125
1084	250	2084	125

Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):

Utility

Design

Plant

Reissue

SUBTOTAL (3) \$ _____

FEE CALCULATION (continued)**4. OTHER FEE(S)****Fees Paid (\$)**

Non-English Specification, \$130 fee (no small entity discount)

Large Entity		Small Entity		Fee Description	
Code	Fee (\$)	Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	130	2814	65	Statutory Disclaimer	
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (4) \$ _____

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Heather M. MollerSignature: Heather MollerDate: 2/6/06Reg. Number: 50,432Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 0.00**Complete if Known:**

Application No. 10/721,448
 Filing Date November 24, 2003
 First Named Inventor Justin K. Brask
 Examiner Name Kim, Ellen E.
 Art Unit 2874
 Attorney Docket No. 042390.P16679

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)
☐ Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: _____

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☒ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

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SUBTOTAL (1)						<u>\$0.00</u>

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	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
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Independent Claims _____ - 3 or HP = _____		X \$200.00 = _____	
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1205	50	2205	25	Reissue: each independent claim more than in the original patent

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1083	250	2083	125	Plant
1084	250	2084	125	Reissue

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Non-English Specification, \$130 fee (no small entity discount)

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1806	180	1806	180	Submission of Information Disclosure Stmt	
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1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (4) \$ _____

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Heather M. MolleurSignature: Heather MolleurDate: 2/16/06Reg. Number: 50,432Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Application No. 10/721,448

Response to Notice of Non-Compliant Amendment filed: February 6, 2006

Reply to Office Action of September 19, 2005

Attorney's Docket No.: 042390.P16679

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Justin K. Brask

Application No.: 10/721,448

Filed: November 24, 2003

For: METHOD OF SMOOTHING
WAVEGUIDE STRUCTURES

Examiner: Kim, Ellen E.

Art Unit: 2874

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FEB 06 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Dear Sir:

This is in response to the Notice of Non-Compliant Amendment mailed January 4, 2006. Applicant respectfully requests the Examiner to consider the following remarks.

CERTIFICATE TRANSMITTAL VIA FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on

2/6/06
Date of Transmittal

Vanessa Sanchez

Name of Person Transmitting Correspondence

Signature
*Vanessa Sanchez*Date
2/6/06